

Appl. No. 10/623,125
Amdt. dated July 12, 2005
Reply to Office Action of June 14, 2005

PATENT

REMARKS/ARGUMENTS

This is in response to the Office Action Summary mailed June 14, 2005. This response is considered to be timely since it is being filed on or prior to July 14, 2005 and the shortened statutory period for reply was set to expire one month from the mailing date of the communication.

Applicant previously elected Group I, corresponding to claims 1-3, and 6 in response to a Restriction Requirement dated June 28, 2004. Applicant also previously canceled claims 4-5 in the response to the Restriction Requirement.

In the Office Action, the Examiner restricted the claims into seven species:

Species I: Figs. 13-14 and the figure on the top right corner of the page 2 of the drawings which does not have a number. The Examiner contends that this Figure is the only Figure that shows the adapter 1300, which is shown in detail in Figs. 13-14;

Species II: Figs. 2A;

Species III: Figs. 2B;

Species IV: Fig. 2C;

Species V: Fig. 2D;

Species VI: Fig. 6; and

Species VII: Figs. 7-12.

The Applicant elects Species I, with traverse, corresponding to claims 1, 6-10, and new claims 11-17. Applicant withdraws claims 2-3. Applicant further amends claim 1 to clarify the terminology used in the claim. The Examiner contends that no claim is generic. Applicant respectfully disagrees.

Claims 1, 7, and new claim 11 are believed to be generic. In particular, claim 1 recites a die press system including "a die adapted to be located in a cutting area of a consumer press with a cutting height smaller than the cutting height of the commercial die press." Claim 1 further includes "an adapter having a thickness or height that is generally approximately equal to the difference between the height of a commercial die and the height of the die." These claimed

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elements are generic to Figures 2B, 2C, 2D, as well as the non-numbered figure on page 2 of the drawings. Each of the figures shows a die in combination with an adapter.

Similarly, claim 7 recites a die press system including "a die having a height adapted for a cutting height smaller than the commercial die cutting height" as well as "an adapter having a height that is approximately equal to the difference between a height of a commercial die and the height of the die." This claim is also generic to figures 2B, 2C, 2D, as well as the non-numbered figure on page 2 of the drawings.

New claim 11 is also believed to be generic. Claim 11 includes "a die having a height configured for a first cutting height" as well as "an adapter configured for use with the die to enable use of the die in a press having a second cutting height." These claimed elements are generic to figures 2B, 2C, 2D, as well as the non-numbered figure on page 2 of the drawings.

Therefore, Applicant contends that at least three of the claims are generic to multiple species identified by the Examiner. The number of species is not unreasonable in light of the need to search the prior art for the scope of generic claims 1, 7, and 11. Thus, Applicant respectfully requests reconsideration and withdrawal of the species restriction.

Discussion of New Claims

Applicant adds new claims 11-17 directed to the elected species. Support for the new claims can be found generally, at the non-numbered figure appearing in figure 2, Figures 13 and 14, and the accompanying description on pages 6-7 of the specification. New claim 11 is believed to be generic to multiple species identified by the Examiner.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



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